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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,772	03/07/2001	Teemu Puskala	4925-84	8387
7590	08/25/2004		EXAMINER	
Michael C. Stuart, Esq. Cohen, Pontani, Lieberman & Pavane 551 Fifth Avenue, Suite 1210 New York, NY 10176			HOTALING, JOHN M	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/800,772	PUSKALA, TEEMU	
	Examiner	Art Unit	
	John M Hotaling II	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 April 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 and 31-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-29 and 31-64 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____ .
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-29, and 31-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darling WO 93/23125 in view of Bennett et al Patent Application Publication 2002/0112014. Darling discloses all of the instant application but lacks in specifically disclosing a means for modifying a game related predefined message to match the terminal capabilities of the terminal to which the message was sent. Instead, Darling discloses on page 17 that data packets can be transmitted using any suitably adapted communications protocol known to those skilled in the art. Additionally, Darling discloses on page 20 that it will be understood by those of skill in the art that, provided a standard communications protocol is employed, the present invention may be implemented to allow interactive game playing between hand held game machines manufactured by different companies. Darling discloses that the computer game system incorporates communication means enabling the computer games system to operate interactively with at least one other such computer game system. This is done by a wireless communication means to allow exchange information with at least one other computer game machine to allow interactive game play between the computer game machines. Page 9 discloses a menu of predefined game related messages or

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typing in on a keyboard. Page 9 also discloses one to one messaging and one to many messaging and messaging based on the play of the game. Page 10 discloses that the game state information of each player is stored in a database and may be transmitted to other players in the game. This is a predefined message transmitted to other player after scanning game related events. Page 14 discloses the Logon to the game step. Pages 9-22 disclose the networking of game machines and the communication protocol. The communication protocol is based on both terminal to terminal and terminal to centralized game platform wherein one of the terminals is the centralized game platform. In an analogous invention to Bennett therein is described techniques for facilitating communications among a plurality of different telecommunications systems, all of which have a standard communication protocol. Bennett discloses that the system may be used to unite different platforms, messaging formats, geographic locations, cellular technologies and/or messaging types using a common point of entry exchange and application with transparency and seamless message sending to the sender and one or more message recipients. Paragraph 33 discloses that other connectivity options are possible. Paragraph 103 states that the process may be used in participation in a game. It would be obvious to one of ordinary skill in the art to combine the teachings of Darling and Bennett since the motivation on pages 17 and 20 of Darling state that data packets can be transmitted using any suitably adapted communications protocol known to those skilled in the art and that it will be understood by those of skill in the art that, provided a standard communications protocol is employed, the present

invention may be implemented to allow interactive game playing between hand held game machines manufactured by different companies.

Response to Arguments

Applicant's arguments with respect to claims 1-29 and 31-64 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the applicants request for a separate rejection of claim 46 based on the premise that claim 46 recites a centralized game platform is denied. The above rejection is based on both terminal to terminal and terminal to centralized game platform wherein one of the terminals is the centralized game platform. Furthermore, claims 1, 12, 19, and 24 do not preclude that the other terminal not be a centralized game platform.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is 703 305 0780. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 305-7497. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOHN M. HOTALING, II
PRIMARY EXAMINER

August 23, 2004

